

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 09-1088 SI

Plaintiff,

**FINAL PRETRIAL SCHEDULING
ORDER – TAX CHARGES**

v.

HARJIT BHAMBRA,

Defendant.

On June 21, 2011, the Court held a final pretrial conference in the above captioned matter, which is set for jury trial beginning June 27, 2011. All parties were represented by counsel. The following matters were resolved:

1. **Trial schedule:** The parties expect that the case will take four days to complete. The Court does not hear trials on Fridays (although deliberating juries may continue their deliberations on Friday). The trial day runs from 8:30 a.m. until 3:30 p.m., with a 15 minute break at 10:00 a.m., a 30 minute break at noon and a 15 minute break at 1:45 p.m., all times approximate.

2. **Number of jurors and challenges:** There shall be a jury of twelve members, plus one alternate juror. The government shall have six peremptory challenges, the defendant shall have ten

peremptory challenges, and each side shall have one additional peremptory challenge for the alternate.

3.
Voir dire: The court will conduct general voir dire, and counsel for each side shall have up to 20 minutes total to question the panel.

4.
Jury instructions: The Court received proposed jury instructions from the government. Defendant is reviewing them, and will make an effort to agree on substantive instructions by time of trial.

5.
Trial exhibits: No later than June 24, 2011, the plaintiff shall submit its trial exhibits, in binders with numbered tabs separating and identifying each exhibit. The court shall be provided with three sets (for the court, the file and the witness) and each side shall provide one set for the other side.

6.
Motions in limine:
Defendant moved to exclude the government's proposed summary witness, Revenue Agent Patti Hirai. The motion is deferred until time of trial.


Defendant moved to exclude the government's proposed evidence under FRE 404(b) in the government's case in chief. The testimony of CHP officer Yolanda Nemeth, concerning defendant providing her with a forged temporary vehicle registration, in violation of California Vehicle Code Section 4463(a)(2), will be allowed in the government's case in chief, for the reasons articulated by the government. The testimony concerning use of an allegedly "fraudulent" financing contract at defendant's deposition in an unrelated civil case (exhibit 102) will be disallowed in the government's case in chief based on FRE 403; the undue consumption of time and potential confusion would substantially outweigh any probative value it might have. Similarly, the testimony concerning

1 defendant's allegedly false statements pertaining to his Application for Naturalization (Form N-400)
2 and Notice of Naturalization Oath Ceremony (Form N-445) will be disallowed in the government's case
3 in chief based on FRE 403. Use of that testimony, which was the subject of the prior trial of the severed
4 counts in this case, would be time consuming, confusing and prejudicial, and would defeat the purposes
5 for severance in the first place.

6 Should defendant elect to testify, the extent to which any such evidence may be used in cross-
7 examination will be considered at time of trial.

8
9
10 **IT IS SO ORDERED.**

11 Dated: June 22, 2011

12 
13 _____
14 SUSAN ILLSTON
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28